IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 47173-M of 2006

DATE OF DECISION : 10.11.2006

Ahmad Nadeem

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Ajay Saini, Advocate,
for the petitioner.

Mr. Partap Singh, Senior D.A.G., Haryana.

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Petitioner Ahmad Nadeem has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 546 dated 5.12.2005 under Sections 395, 120-B, 412 IPC, registered at Police Station Udyog Vihar, District Gurgaon.

I have heard counsel for the parties and gone through the contents of the FIR.

In this case, on the complaint of the factory owner, the aforesaid FIR was registered on the allegation that on the day of occurrence, some unknown persons came to the company, locked two guards and two employees of the company and took away the leather goods, shirts and garments and cash on gunpoint in a vehicle. During the investigation, Surajbhan, Sonu and Chand Mian were found involved in the crime. The robbed articles i.e. 4105 leather pieces and an amount of Rs. 15,000/- were recovered from the petitioner in the rented room in his possession. The petitioner has been charged for the offence under Sections 395, 120-B and 412 IPC. He is in custody since 22.12.2005.

Counsel for the petitioner contends that Chand Mian, against whom there are similar allegations, and the other accused have been granted regular bail by the trial court, therefore, the petitioner should also be granted bail.

As far as accused Chand Mian is concerned, his regular bail application was dismissed by this Court vide order dated 8.5.2006 passed in Crl. Misc. No. 27115-M of 2006. Thereafter, the court of Additional Sessions Judge, Gurgaon, has granted bail to Chand Mian on 27.5.2006, without noticing the order passed by this court. Therefore, this court has already issued show cause notice to accused Chand Mian for the cancellation of his bail. In spite of that, he has not appeared so far.

In view of the aforesaid facts and keeping in view the nature of the offence, the recovery of robbed articles effected from the petitioner and the fact that the petitioner is likely to abscond from the trial, I am not inclined to grant him regular bail at this stage.

Dismissed.

November 10, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**